

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Thomas J Lochtefeld
App. No	:	10/795,799
Filed	:	March 8, 2004
For	:	WATER RIDE ATTRACTION
Examiner	:	Kien T Nguyen
Art Unit	:	3711
Conf No.	:	7716

REQUEST FOR CONSIDERATION OF  
INFORMATION DISCLOSURE STATEMENT  
SUBMITTED MAY 8, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On May 8, 2009 Applicant submitted an Information Disclosure Statement (IDS) listing 61 references and discussing both litigation in connection with a patent from which this application claims priority (and other related patents) and a pending reexamination of a patent from which this application claims priority (and other related patents). A copy of the IDS as filed, along with a copy of the PTO's acknowledgment receipt, is attached.

A Notice of Allowance in this application was mailed September 29, 2009. However, Applicant has noted that the Examiner has not yet acknowledged the May 8, 2009 IDS.

Please review the IDS and acknowledge such review.

**Application No.:** 10/795,799  
**Filing Date:** March 8, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 28, 2009

By: /Glen L Nuttall/  
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**INFORMATION DISCLOSURE STATEMENT**

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 61 references to be considered by the Examiner. Also enclosed are 32 foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

In accordance with M.P.E.P. §2001.06(c), Applicant hereby informs the Patent Office that a patent from which the present application claims priority is currently the subject of litigation. More specifically, U.S. Patent No. 5,236,280, from which the present application claims priority, is the subject of Civil Action No. 08 CV 0928 MMA WMc, which was filed May 23, 2008. U.S. Patent No. 5,393,170, which is a continuation of the '280 patent, and U.S. Patent No. 5,564,870, which is a continuation of the '170 patent, are also asserted in the same litigation.

Each of the aforementioned '280, '170 and '870 patents is also currently in reexamination. The associated Reexamination Serial Numbers are as follows:

US Patent No.	Reexamination Serial No.
5,236,280	Serial No. 90/009,334
5,393,170	Serial No. 90/009,335
5,564,870	Serial No. 90/009,336

Appl. No. : 10/795,799  
Filed : March 8, 2004

Docket No. LOCHT.3CP3C3C1C  
Customer No. 20,995

Although the litigation proceeded for some months, on February 19, 2009 the Court stayed the litigation pending the results of reexamination of the three asserted patents (identified above).

The Examiner will note that several of the documents listed on the attached PTO/SB/08 Equivalent and submitted with this IDS are documents generated in connection with the litigation.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 8, 2009

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